

Remarks

Reconsideration and allowance of this application is requested in view of the amendment to the claims presented hereinabove and the remarks that follow hereinafter.

Claim 7 is rejected under 35 U.S.C. 112, second paragraph, for failing to point out and distinctly claim the subject matter which Applicant regards as the invention since there is insufficient antecedent basis for the limitation "said reflecting surface" in line 1. This rejection should now be withdrawn and claim 7 allowed since the claim has been amended to depend from claim 2 and add proper antecedent basis for the phrase "said reflecting surface".

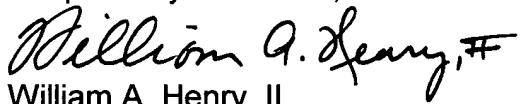
Claim 1 is rejected under 35 U.S.C. 103(a) as being unpatentable over Rando. The Examiner appears to take the position that Rando discloses a device that includes all the elements of claim 1 with the exception that the laser output altering device is not a part of a single piece plumb bob. However, the Examiner proffers that this deficiency is but an obvious expedient that involves only routine skill in the art, and thus is not patentable. Claim 1 has been amended to claim an apparatus for producing a line of approximately 360° within a predetermined plane in an ever expanding circle of light. Applicant submits that this structure is not shown nor contemplated by Rando in view of FIG. 12 and col. 4, lines 11 – 19. It appears that the device of Rando can only produce a 90° deviation of the beam. This distinction of Applicant's of producing a line of approximately 360° gives Applicant the advantage over the prior art of being able to, for example, place his device in a room and project a line onto all sides of the room. In view of this distinction and advantage, Applicant requests withdrawal of this rejection and allowance of claim1.

Claims 2 – 6 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. This indication of allowable subject matter is acknowledged with appreciation, however, Applicant will hold in abeyance rewriting of the claims pending a final resolution of the allowability of claim 1.

In summary, Applicant submits that all of the claims remaining in this application are allowable over the art of record because none of the prior art shows an apparatus for producing a line of approximately 360° within a predetermined plane in an ever expanding circle of light. Therefore, allowance of claims 1 – 7 is respectfully requested.

A telephone interview is respectfully requested at the number listed below prior to any further Office Action, i.e., if the Examiner has any remaining questions or issues to address after this paper. The undersigned will be happy to discuss any further Examiner-proposed amendments as may be appropriate.

Respectfully submitted,


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